

DA&M/WHS SUMMARY SHEET

	TO	ACTION	Signature and Date	TO	ACTION	Signature and Date
1	WHS (A&PS)	COORD	<i>Franklin 6 Jan 09</i>	CCS	LOG IN	<i>WHD 1-8-09</i>
2	DA&M	SIGN		CCS	LOG OUT	
3				COOR	REVIEW	<i>JMY 1/8/09</i>
4			<i>FR 1.12.09</i>	Disposition:		
5						
6						

Name of Action Officer: Lenworth O'Reilly	Office: WHS (A&PS) (AS)	Phone: 601-6148	Control Number: N/A
Subject: Charter Renewal – Inland Waterways Users Board			Date:

Summary:

- Pursuant to our DoD policy, the Administrative Assistant to the Secretary of the Army has requested that the charter for the Inland Waterways Users Board be renewed for two years (Tab B).
- Charters for federal advisory committees must be renewed every two years or the committee must cease operations; this holds true for both discretionary and non-discretionary advisory committees.
- The new charter for the Inland Waterways Users Board contains all current DoD GC and CMS guidance, and has been formally approved by both offices. All appropriate steps – DoD GC and CMS Review, Federal Register notices – have been taken. The current charter expires March 20, 2009; thus the earliest we can file the charter is March 21, 2009.
- At Tab A is a proposed DA&M memorandum advising Ms. Marrow that the charter for the Inland Waterways Users Board is approved for renewal, and that the CMO will file the charter as required by statute; the charter must be filed with the Library of Congress, the CMS and the appropriate congressional oversight committees.

RECOMMENDATION

- That the DA&M sign the proposed memorandum at Tab A.

James D. Freeman II

James D. Freeman II
Assistant Director, Administrative Services
Administration & Program Support

2 Tabs

- Proposed DA&M Memo
- Administrative Assistant to the Secretary of the Army
Memo, December 23, 2008

WHS000066-09

TAB A



ADMINISTRATION AND
MANAGEMENT

OFFICE OF THE SECRETARY OF DEFENSE
1950 DEFENSE PENTAGON
WASHINGTON, DC 20301-1950

12 JAN 2009

MEMORANDUM FOR ADMINISTRATIVE ASSISTANT TO THE SECRETARY
OF THE ARMY

SUBJECT: Charter Renewal – Inland Waterways Users Board

Your request for renewal of the Inland Waterways Users Board (IWUB) Charter is approved. A notice will be published in the Federal Register announcing the Department's intention to renew the committee's charter. My Committee Management Officer, pursuant to 41 CFR § 102-3.70, will formally file the Committee's renewed charter with the Library of Congress, the General Services Administration, and the appropriate congressional oversight committees.

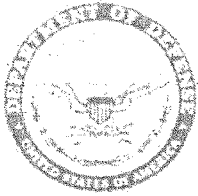
As the DoD Sponsor for this federal advisory committee, you are reminded that you are responsible for:

- (a) Ensuring that the IWUB's Designated Federal Officer (DFO) attends all the meetings;
- (b) Ensuring that the DFO and the Board fully complies with all appropriate federal statutes and regulations, to include DoD Instruction 5105.04;
- (c) Providing adequate support to the Board and its membership;
- (d) Ensuring that the Board members are appointed according to DoD policy, and that they do not serve on the committee until all personnel and ethics paperwork has been processed by the appropriate offices;
- (e) Ensuring that neither the Inland Waterways Users Board nor the Board's membership is unduly or inappropriately influenced by federal employees or any special interest; and,
- (f) Monitoring the implementation status of any recommendation adopted by the Department of Defense or the Congress, and ensuring that this information is available for future inquiries.

If you should have any questions, please contact my Committee Management Officer, Frank Wilson, at 703-601-6100.

Michael L. Rhodes
Acting Director

TAB B



DEPARTMENT OF THE ARMY
ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF THE ARMY
105 ARMY PENTAGON
WASHINGTON, DC 20310-0105

DEC 23 2008

MEMORANDUM FOR DIRECTOR, ADMINISTRATION AND MANAGEMENT,
OFFICE OF THE SECRETARY OF DEFENSE:

SUBJECT: Inland Waterways Users Board Charter Renewal

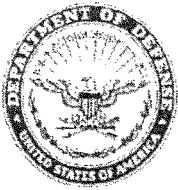
Request renewal of the Inland Waterways Users Board (IWUB) Charter which expires on 20 March 2009. The IWUB is a Department of Defense Federal Advisory Committee under the purview of the Secretary of the Army.

The IWUB justification memorandum and proposed Charter are enclosed for your consideration and meet the criteria established in DoDI 5105.04, E3.4.6.2.1. Recommend approval to continue the committee.

My point of contact for this action is Marla-Jo Bonuccelli. She may be reached at 703-602-6268 or marla-jo.bonuccelli@hqda.army.mil.

Encls


JOYCE E. MORROW



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS
441 G STREET NW
WASHINGTON, D.C. 20314-1000

NOV 20 2008

CECW-IP

MEMORANDUM FOR THE ADMINISTRATIVE ASSISTANT TO THE SECRETARY OF
THE ARMY

SUBJECT: Charter Renewal for the Inland Waterways Users Board

1. Enclosed is the proposed charter renewal for the Inland Waterways Users Board in accordance with the requirements set forth in the Federal Advisory Committee Act of 1972. Reflecting the concept of "Users Pay, Users Say", the Water Resources Development Act of 1986 (Public Law 99-662) established the Inland Waterways Users Board (the Board) to give commercial users (carriers and shippers) a voice in the investment decision-making supported by their cost-sharing tax contributions. The principal responsibility of the Board is to recommend to the Secretary of the Army and the U.S. Congress the prioritization of new and replacement construction and major rehabilitation projects for the inland and intracoastal waterways system. This duty is critical today as the inland waterways are aging and considerable need exists.

Navigation is a primary transportation mode and is vital to the movement of commodities necessary to keep the U.S. economy healthy.

2. The commercial users pay a tax on fuel consumed on the fuel-taxed inland and intracoastal waterways as defined in legislation. Revenues from the tax are deposited in the Inland Waterways Trust Fund and fund 50% of the cost of construction, replacement and rehabilitation of inland navigation projects each year as authorized. The amount of tax paid by commercial users is currently \$.20 per gallon of fuel. This annually generates approximately \$90 million in contributions to the Inland Waterways Trust Fund to support inland and intracoastal waterways infrastructure development and rehabilitation. The balance in the Trust Fund is now nearly depleted and hard investment decisions are being made for the limited resources. Also, possible new mechanisms to generate more revenues for the inland waterways investment needs are being explored. This committee is crucial to the deliberations.

3. Non-Federal members appointed to serve on the Inland Waterways Users Board serve as Special Government Employees (SGEs) of the Federal government and serve without compensation.

4. Request your concurrence to renew the charter of the Inland Waterways Users Board.

5. My Point of Contact for this action is Mr. Mark R. Pointon. He may be reached at 202-761-4258 or at e-mail address mark.pointon@usace.army.mil.

Encl

A handwritten signature in black ink, appearing to read 'St L Stockton', written in a cursive style.

STEVEN L. STOCKTON, P.E.
Director of Civil Works

CHARTER
INLAND WATERWAYS USERS BOARD

A. Official Designation: The Committee shall be known as the Inland Waterways Users Board (hereafter referred to as the Board).

B. Objectives and Scope of Activities: The Board, under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended) and 33 U.S.C. § 2251, as amended, shall provide the Secretary of Defense, through the Secretary of the Army and the Assistant Secretary of the Army for Civil Works, independent advice and recommendations on matters relating to construction and rehabilitation priorities and spending levels on the commercial navigation features and components of the U.S. inland waterways and inland harbors as defined in Public Law 95-502 and amended by Public Law 99-662.

The Board shall annually file their recommendations with the Secretary of the Army and with the Congress. The Secretary of the Army or designee may act upon the advice of the Board.

C. Board Membership: Pursuant to 33 U.S.C. § 2251(a), the Board shall be composed of eleven (11) members selected by the Secretary of the Army and appointed by the Secretary of Defense. The members shall be selected so as to represent various regions of the country and a spectrum of the primary users and shippers utilizing the inland and intracoastal waterways for commercial purposes. Due consideration shall be given to assure a balance among the members based on the ton-mile shipments of the various categories of commodities shipped on inland and intra-coastal waterways.

Board Members appointed by the Secretary of Defense, who are not full-time Federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109. Board members shall, with the exception of travel and per diem for official travel, serve without compensation.

Board Members shall serve two-year terms, with their appointments renewed on an annual basis. No member, unless otherwise authorized by the Secretary of the Army or designee, shall serve more than four consecutive years on the Board. Appointments vacated prior to the expiration of the term of said appointment shall be filled only for the remainder of the term.

The Secretary of the Army or designee shall select the Board's Chairman and Vice-Chairman (hereafter referred to as Chair and Vice Chair) from the total Board membership, and these individuals shall serve at the discretion of the Secretary of the Army or designee. The Vice Chair will act as Chair in the absence or incapacity of the Chair, or in the event of a vacancy in the position of the Chair.

The Secretary of the Army or designee shall choose, and the Secretaries of Agriculture, Transportation and Commerce may designate representatives to act as non-voting observers of the Board. In addition, the Secretary of the Army or designee through the Secretary of Defense may appoint consultants with special expertise to assist the Board on an ad hoc basis.

D. Board Meetings: The Board shall meet at the call of the Designated Federal Officer, in consultation with the Chair and the Assistant Secretary of the Army for Civil Works. Pursuant to 33 U.S.C. § 2251(b), the Board shall meet at least semi-annually.

The Designated Federal Officer shall be a full-time or permanent part-time DoD employee, and shall be appointed in accordance with established DoD policies and procedures. The Designated Federal Officer and/or Alternate Designated Federal Officer shall attend all Board and subcommittee meetings.

The Board shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or work groups shall operate under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. § 552b, as amended), and other appropriate Federal regulations.

Subcommittees or work groups shall not work independently of the chartered Board, and shall report all their recommendations and advice to the Board for full deliberation and discussion. Subcommittees and work groups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Department of Defense or any Federal officers or employees who are not Board members.

E. Duration and Termination of the Board: Pursuant to 33 U.S.C. § 2251, as amended, the need for this advisory function is on a continuing basis; however, it is subject to review every two years.

F. Agency Support: The Department of Defense, through the Department of the Army, shall provide support as deemed necessary for the performance of the Board's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix, as amended.

G. Operating Costs: It is estimated that the annual operating costs for this Board, to include travel costs and contract support, are \$300,000.00. The estimated annual personnel costs to the Department of Defense are 1.75 full-time equivalents (FTEs).

I. Date Charter Filed: